

## SENATE BILL NO. 355

INTRODUCED BY SHOCKLEY, CROMLEY, LASLOVICH

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PAYMENT OF TRANSCRIPT FEES TO COURT REPORTERS IN CRIMINAL CASES; AMENDING SECTION 3-5-604, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, stenographic court reporters are important to the efficient functioning of the courts and save the court time and money during trial and appeals; and

WHEREAS, in 2001, the state assumed the costs of funding District Courts; and

WHEREAS, as part of state assumption, court reporters were given the option of becoming state employees, foregoing transcript fees, having the state provide and maintain all equipment and supplies, and receiving overtime for time spent in transcript preparation; becoming state employees, purchasing and maintaining their own equipment, receiving transcript fees, and foregoing overtime for time spent in transcript preparation; or being independent contractors; and

WHEREAS, the court reporters in this state entered into written agreements that incorporated the options available to them under the 2001 state assumption; and

WHEREAS, the Legislature, in 2003, changed the law relating to compensation of court reporters and provided that all reporters shall provide transcripts to County Attorneys and the Attorney General at "actual cost", which has been interpreted by the District Court Council as meaning the cost of paper, printing, and photocopying.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 3-5-604, MCA, is amended to read:

**"3-5-604. Court reporters -- transcript of proceedings -- costs.** (1) Each court reporter shall furnish, upon request, with all reasonable diligence, to a party or a party's attorney in a case in which the court reporter has attended the trial or hearing a transcript from stenographic notes of the testimony and proceedings of the trial or hearing or a part of a trial or hearing upon payment by the person requiring the transcript of \$2 a page for the original transcript, 50 cents a page for the first copy, and 25 cents a page for each additional copy.

(2) If the court reporter is not entitled to retain transcription fees under 3-5-601, the transcription fees required by subsection (1) must be paid to the clerk of district court who shall forward the amount to the department of revenue for deposit in the state general fund.

(3) ~~(a) If the county attorney, attorney general, or judge requires a transcript in a criminal case, the reporter shall furnish it. The transcription fee must be paid by the state as provided in 3-5-901.~~

~~(b) If the county attorney or the attorney general requires a transcript in a criminal case, the reporter shall furnish the transcript and only the reporter's actual cost of preparation may be paid by the county or the office of the attorney general.~~

(4) If the judge requires a copy in a civil case to assist in rendering a decision, the reporter shall furnish the copy without charge. In civil cases, all transcripts required by the county must be furnished, and only the reporter's actual costs of preparation may be paid by the county.

(5) If it appears to the judge that a defendant in a criminal case or a parent or guardian in a proceeding brought pursuant to Title 41, chapter 3, part 4 or 6, is unable to pay for a transcript, it must be furnished to the party and paid for by the state as provided in 3-5-901."

**NEW SECTION. Section 2. Effective date.** [This act] is effective on passage and approval.

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